United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report

Investigation Number:
03144-0600

Reporting Office:
Dallas, TX, Area Office

Investigation Name:
Arkansas Gravel Company

Activity Date:
09/27/2021

Subject of Report:
2021-09-27; Interview of (b) (6), (b) (7)(C)

Reporting Official and Date:
(b) (6), (b) (7)(C)

Special Agent
28 Sep 2021, Signed by (b) (6), (b) (7)(C)

Approving Official and Date:
(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
29 Sep 2021, Approved by (b) (6), (b) (7)(C)
Assistant Special Agent in Charge

DETAILS:

On September 27th, 2021, Special Agent (SA) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (Calhoun County Sheriff's Office) arrived at (b) (6), (b) (7)(C) which is the residence of (b) (6), (b) (7)(C) Upon arrival, (b) (6), (b) (7)(C) was outside of (b) (6), (residence with (b) (6), (b family. SA (b) (6), (b) (7)(C) produced (b) (6), (agency issued badge and credentials for (b) (6), (b) (7)(C) to review; (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are familiar with each other based on past law enforcement interactions. (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), would mind speaking with investigators, which (b) (6), (b) (7)(C) agreed to do.

(b) (6), (b) (7)(C) walked over to the rear bed of (b) (6), (b) (7)(C) law enforcement truck, at which time SA (b) (6), (b) (7)(C) again asked (b) (6), (b) (7)(C) if (b) (6), would voluntarily provide a statement to investigators pertaining to events surrounding the anhydrous ammonia (NH_3) release incident at (b) (6), (b employment site. Newton agreed to talk with investigators and provided the following information:

(b) (6), (b) (7)(C) said (b) (6), has worked at (b) (6), (b) (7)(C) During that time, (b) (6), has worked in various positions to include at the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) operates heavy equipment at the (b) (6), (b) (7)(C) and has approximately (b) (6), (b) (7)(C) with such machinery, to include operating bulldozers, excavators, and loaders.

(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) were digging for gravel for the last two months in a location known to employees as the 'North 40', which is located approximately 400 yards to the northeast from the location where an AGC excavator operated by Charles "Chuck" Martin struck an anhydrous ammonia (NH_3) pipeline traversing AGC property.

Based on the location where AGC crews were supposed to be digging versus the distance away from it where Martin struck the pipeline, (b) (6), (b) (7)(C) stated, "Chuck had absolutely no business being where he was at." (b) (6), (b) (7)(C) continued, "The story I got from (b) (6), (b) (7)(C) was Chuck was supposed to be digging test holes on the North 40 and not there." (b) (6), (b) (7)(C) said, "Chuck had to walk right by the pipeline marker on the right before hooking south to dig."

(b) (6), (b) (7)(C) could not understand why Chuck ignored the pipeline markers as well as the fact "there are ponds on both sides of that area, which means it's already been dug and doesn't have any gravel left." (b) (6), (b) (7)(C) said (b) (6), has known for several years there is a pipeline that runs through the AGC property and stated, "We had to stay 120 feet away from the center of the line" when it pertained to excavating near the pipeline. (b) (6), (b) (7)(C) volunteered, "I thought everyone knew not to dig on a pipeline."

(b) (6), (b) (7)(C) stated (b) (6), had a conversation earlier in the day on September 23rd, 2021, with Martin who mentioned he and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) , had worked the night of the 22nd stripping dirt looking for gravel on the North 40. Around lunch time on the 23rd, (b) (6), (b) (7)(C) talked to (b) (6), (b) (7)(C), who was upset that Martin and (b) (6), (b) (7)(C) were not locating gravel and were wasting time stripping the ground. (b) (6), (b) (7)(C said (b) (6), (b was going to cut the night shift off as it wasn't profitable.

(b) (6), (b) (7)(C) said Martin is an experienced heavy equipment operator and added "Chuck has been on equipment all his life and (b) (6), (b) (7)(C) . (b) (6), (b) (7)(C) advised that during a recent discussion, Martin said he was (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) (b) (6), (b) (7)

Investigators asked (b) (6), (b) (7)(C) what type of safety training was provided to AGC employees; (b) (6), (b) (7)(C) said all new hires get at least a half day of training watching videos and reading pamphlets, while heavy equipment operators receive a day and a half of training including 'checks' on equipment they'll be operating. (b) (6), (b) (7)(C) said there was no specific training provided related to the pipeline that traversed the AGC property; (b) (6), (b) (7)(C) volunteered, "I thought everyone knew not to dig on a pipeline…there were marking posts all along it (pipeline)."

ATTACHMENT(S):